

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:
v.	: Case No. 3:08-cr-18-KRG-KAP
	: Case No. 3:12-cv-57-KRG-KAP
HENRY J. LOGAN,	:
Movant,	:

MEMORANDUM ORDER

The defendant's motion to vacate, docket no. 120, was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on March 21, 2012, docket no. 121, recommending that the motion to vacate be denied due to the waiver in the plea agreement, and that a certificate of appealability be denied.

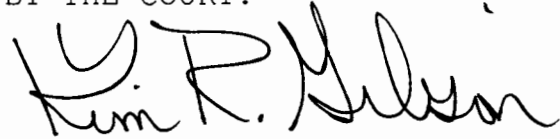
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Movant filed timely objections, docket no. 122, but they are meritless.

After de novo review of the record of this matter, together with the Report and Recommendation and the timely objections thereto, the following order is entered:

AND NOW, this 11th day of April, 2012, it is

ORDERED that the motion to vacate, docket no. 120, is denied and dismissed. No certificate of appealability is issued. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark the civil matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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